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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

Implementation of Section 302 of
the Telecommunications Act of 1996

Open Video Systems

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CS Docket No. 96-46

REQUEST FOR EXTENSION OF TIME

Pursuant to Section 1.3 of the Federal Communications Commission's (Commission) Rules, Sprint Corporation ("Sprint") on behalf of its North Carolina subsidiary, Carolina Telephone and Telegraph Company, hereby respectfully requests an extension of time to comply with the Commission's Order of July 23, 1996¹ in the above-captioned proceeding (hereinafter the "Order"). The Order requires², among other matters, that within ninety days from August 8, 1996, all video dial tone operators must effectuate a transition to one of the four options for providing video programming services set forth under Section 651 of the Communications Act of 1934, as amended by the Telecommunication Act of 1996 (the "Act").³ Sprint, through its North Carolina subsidiary, has been conducting a VDT trial in the Wake Forest, North Carolina, area since October 1995. The Order therefore requires that Sprint effect the above-described transition on or before November 6, 1996. As discussed below, Sprint is unable to comply with this requirement and therefore requests a waiver from the Commission.

¹ In the Matter of Implementation of Section 302 of the Telecommunications Act of 1996, First Order on Reconsideration, CS Docket No. 96-46, adopted July 22, 1996, rel. July 26, 1996.

² Id. at para. 9.

³ Pub. L. No. 104-104, 110 Stat. 56 (1996), codified at 47 U.S.C. §§ 151 et seq. (the "1996 Act").

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In its Order, the Commission noted as follows:

We realize that video dialtone operators will need time to evaluate their options under Section 651 and to implement their choice. We therefore will provide videodial tone operators ninety days from the August 8, 1996 in which to effect a transition to one of the four options for providing programming services under Section 651. This will also permit video dialtone subscribers to continue receiving service without disruption. At or before the end of this 90-day period, each currently authorized video dialtone operator must inform the Office of the Secretary of the Commission in writing, with a copy to the Chief of the Cable Services Bureau, which option under Section 651 it has elected. We realize, however, that it may not be possible in all circumstances for a video dialtone operator to complete the transition in ninety days. In those instances, we would consider reasonable extensions of time based on a showing of good cause.⁴ (emphasis added)

By letter dated October 4, 1996, Sprint has already notified the Commission of its intent to select (from the four options set forth under Section 651) the provision of service pursuant to Title VI of the Act. Preliminary discussions have been undertaken by Sprint in this regard with the Town of Wake Forest, North Carolina (the "Town").⁵ These discussions have generally covered the requirements to be imposed by the Town in order for Sprint to obtain a cable franchise from the Town, including an estimation of the required time frames. The early estimate for completing the actions required for final presentation and approval of a franchise agreement with the Town is that all necessary actions should be completed by late March or early April, 1997. However, these estimates assume the timely completion of a significant amount of detailed work in preparation for negotiations and complex negotiations prior to approval of an agreement by the Town.

⁴ In the Matter of Implementation of Section 302 of the Telecommunications Act of 1996, First Order on Reconsideration, CS Docket No. 96-46, adopted July 22, 1996, rel. July 26, 1996, at para. 9.

⁵ Sprint has also contacted Wake County, North Carolina, to initiate discussions in this regard.

For example, Sprint is currently scheduled to submit a very comprehensive application to the Town for a cable franchise agreement in late November, based on the form of application required and informational inquiries the Town recently provided to Sprint. After the submission of appropriate documentation to support the application, the Town will undertake a detailed review through its offices and consultants. After the review, Sprint and the Town must negotiate and finalize a cable franchise agreement for presentation to the Town Council for approval. Appropriate time intervals must be allowed for each of these activities in anticipation of completing all of the individual steps in the process. In addition, consideration must also be given to the possibility of normal delays resulting from the holiday season. Sprint has and will continue to vigorously pursue all commercially reasonable actions to effectuate the transition as soon as possible.

Based upon initial discussions with the City, Sprint is optimistic it may obtain a franchise within the time frame of March - April, 1997, set forth above. However, given the uncertainty associated with the precise timing of events leading up to a completed agreement, a longer period may be required. Therefore, Sprint requests at this time an open ended waiver of the requirement as set forth in the Order. Sprint proposes to inform the Commission of progress toward completion of the franchise agreement negotiations as developments occur and will inform the Commission of a more appropriate date as progress is made. This approach will avoid the necessity of repeat applications to the Commission on this subject should the initial estimates of appropriate time intervals prove unrealistic and also assure continued service to those subscribers currently receiving services. Under the circumstances Sprint urges the Commission to consider the above as a reasonable approach.

VII. CONCLUSION.

Sprint respectfully requests an open-ended extension of time to comply with the Commission's Order of July 23, 1996 in the above-captioned docket. Sprint proposes to notify the Commission of the progress in completing the transition and will request a specific waiver period as more complete information becomes available.

Respectfully submitted,

SPRINT CORPORATION

By Jay C. Keithley
Jay C. Keithley
1850 M Street N.W.
Suite 1100
Washington, DC 20036-5807
(202) 857-1030

Joseph P. Cowin
P. O. Box 11315
Kansas City, MO 64112
(913) 624-8680

Its Attorneys

November 1, 1996

CERTIFICATE OF SERVICE

I, Melinda L. Mills, hereby certify that I have on this 1st day of November, 1996, sent via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing "Request for Extension of Time" of Sprint Corporation in the Matter of Implementation of Section 302 of the Telecommunications Act of 1996, Open Video Systems, CC Docket No. 96-46, filed this date with the Acting Secretary, Federal Communications Commission, to the persons on the attached service list.


Melinda L. Mills

Regina Keeney*
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 500
Washington, DC 20554

Jim Schlichting*
Chief, Tariff Division
Federal Communications Commission
1919 M Street, NW, Room 518
Washington, DC 20554

Wilbur Thomas*
ITS
1919 M Street, NW, Room 246
Washington, DC 20554

Joel Ader*
Belcore
2101 L Street, NW, 6th Floor
Washington, DC 20037

Meredith Jones, Chief*
Cable Services Bureau
Federal Communications Commission
2033 M Street, NW -- Room 918
Washington, DC 20554

*** Indicates Hand Delivery**